

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

COPY

UNITED STATES OF AMERICA
ex rel

BRIAN K. GARRIES A.K.A.
PHAROAH O. NKOSI #11388-045
Full name & prison number
(if any) of Petitioner

1 : CV01-1119
NO.

v.
DONALD ROMINE, WARDEN
UNITED STATES OF AMERICA
Name of Respondent

FILED
SCRANTON

JUN 22 2001

(PERSONS IN FEDERAL CUSTODY)

PETITION FOR WRIT OF HABEAS CORPUS

PER hart
DEPUTY CLERK

Instructions - READ CAREFULLY

1. In order for this petition to receive consideration by the District Court, it shall be in writing (legibly handwritten or typewritten), and the unsworn declaration signed by the petitioner. It shall set forth in concise form the answers to each applicable question. If necessary, petitioner may finish his answer to a particular question on the reverse side of the page or on an additional blank page. Petitioner shall make it clear to which question any such continued answer refers.

2. Any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Petitioners should therefore exercise care to assure that all answers are true and correct.

3. When the petition is completed, the original and three copies shall be mailed to the Clerk, United States District Court, Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pa. 18501.

If you are unable to pay the \$5.00 filing fee for this action, you may petition the court to proceed in forma pauperis. Two blank petitions for this purpose are included in this packet. One copy should be filed with your complaint: the other copy is for your records.

1. Place of detention USP LEWISBURG PO BOX 1000 LEWISBURG, PA 17837
2. Name and location of court which imposed sentence GENERAL COURT MARTIAL
@ U.S. AIR FORCE ACADEMY COLORADO SPRINGS, COLORADO
3. The indictment number or numbers (if known) upon which
and the offense or offenses for which sentence was imposed:
(a) _____
(b) _____
(c) _____
4. The date upon which sentence was imposed and the terms of
the sentence:
(a) MARCH 17, 1983 LIFE IMPRISONMENT
(b) _____
(c) _____
5. Check whether a finding of guilty was made
(a) after a plea of guilty _____
(b) After a plea of not guilty ****
(c) after a plea of nolo contendere _____
6. If you were found guilty after a plea of not guilty, check
whether that finding was made by
(a) a jury ****
(b) a judge without a jury _____
7. Did you appeal from the judgment of conviction or the im-
position of sentence?

YES

8. If you answered "yes" to (7), list

(a) the name of each court to which you appealed:

- 1. AIR FORCE COURT OF MILITARY REVIEW
- 11. COURT OF MILITARY APPEALS
- 111. UNITED STATES SUPREME COURT

(b) the result in each such court to which appealed:

- 1. AFFIRMED
- 11. " " " " " "
- 111. " " " " " "

(c) the date of each such result:

- 1. JANUARY 16, 1985
- 11. AUGUST 20, 1986
- 111. DECEMBER 1, 1986

(d) if known, citations of any written opinions or orders entered pursuant to such results:

- 1. 19 M.J. 845 (AFCMR 1985)
- 11. 22 M.J. 288 (C.M.A. 1986)
- 111. N/A

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) SEE ATTACHMENT

(b) " "

(c) SEE ATTACHMENT

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

(a)

(b) SEE ATTACHMENT

(c)

11. Have you filed previous petitions for habeas corpus motions under Section 2255 of Title 28, United States Code, or any other applications, petitions or motions with respect to this conviction:

N/A

12. If you answered "yes" to (11), list with respect to each petition, motion or application

(a) the specific nature thereof:

i. N/A

ii. N/A

iii. N/A

(b) the name and location of the court in which each was filed.

i. N/A

ii. N/A

iii. N/A

(c) the disposition thereof.

i.

ii. N/A

iii.

(d) the date of each such disposition:

i. N/A

ii.

iii.

(e) If known, citations of any written opinions or orders entered pursuant to each such disposition:

1. _____ N/A _____

11. _____ N/A _____

111. _____ N/A _____

13. If you did not file a motion under Section 2255 of Title 28 United States Code, or if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:

(a) _____ N/A _____

(b) _____ N/A _____

(c) _____ N/A _____

14. Has any ground set forth in (9) been previously presented to this or any other federal court by way of petition for habeas corpus, motion under Section 2255 of Title 28, United States Code, or any other petition, motion or application:

N/A

15. If you answered "yes" to (14), identify

(a) which grounds have been previously presented:

- 1. N/A
- 11. N/A
- 111. N/A

(b) the proceedings in which each ground was raised:

- 1. N/A
- 11. N/A
- 111. N/A

16. Were you represented by an attorney at any time during the course of

(a) your arraignment and plea: YES

(b) your trial, if any: yes

(c) your sentencing: yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence?

yes

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed:

yes

17. If you answered "yes" to one or more parts of (16), list

(a) the name and address of each attorney who represented you:

- 1. William Reynard 958 Licon St. Denver, CO 80203
David Byassee Lowry AFB, CO 80230
David L. Thomas Lowry AFB, CO 80230
Richard M. Borchers Rm C-145 US Courthouse Denver, CO 80294
Sander Karp 1860 Blake St. Denver, CO 80202

David Miller 815 E. 22nd Ave Denver, CO 80205

11. Luther West 18 East Eager St. Baltimore. Md 21202
 Col. Leo L. Sergi " " "
111. Maj. Conrad C. Baldwin Jr. BLDG. 5683 Bolling AFB D.C. 20332-6128
 Capt. Charles E. Ambrose " " "
- (b) the proceedings at which each such attorney represented you:

1. Byassee & Thomas "trial"
11. Reynard, Karp, Borchers, Miller, Sergi, Baldwin "AFCMR"
- 111 Sergi, West, Baldwin "AFCMA"
- Ambrose & Sergi "U.S. Supreme Court"
18. If you are seeking leave to proceed in forma pauperis, have you completed the unsworn declaration setting forth the required information (see instructions, page 1 of this form).

Executed at

U.S.P. Lewisburg PA 17837

Name of institution, city, state

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

21 June 2001

Date

Brian R. Gamm A.K.A.
 Pharaoh O. M.K.

Signature of Petitioner